IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION MDL NO. 2327

____

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # _____
(SHOW CAUSE ORDER REGARDING DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC AND PORGES S.A.)

Pending is a Joint Motion For Order to Show Cause Applicable To All Cases Why The Court Should Not Enter A Stipulated Order Dismissing Certain Defendants From All Cases Without Prejudice, filed April 19, 2013. In the Motion, Co-Lead Counsel for Plaintiffs, Co-Lead Counsel for Defendants Coloplast Corp. and Coloplast Manufacturing US, LLC, and Lead Counsel for Defendant Mentor Worldwide US LLC request that the Court issue an Order to Show Cause why the Court should not enter an Order dismissing without prejudice, Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. from the member cases in this and the other four MDLs assigned to the Court as set forth in the Agreed Order re: Dismissal of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. in All Cases.

Having reviewed the proposed Order dismissing Defendants Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. without prejudice jointly submitted by the parties and attached hereto as Exhibit A, as well as the Joint Motion For Order to Show Cause Applicable To All Cases Why The Court Should Not Enter A Stipulated Order Dismissing Certain Defendants From All Cases Without Prejudice, it is ORDERED that Counsel of record for any plaintiff and any *pro se* plaintiff in any case currently pending in MDL Nos. 2187, 2325, 2326, 2327, and 2387 shall file any written opposition to entry of the Order set forth in Exhibit A, by the _____ day of April, 2013, and shall thereafter be ordered to appear and show cause before this Court on the ____ day of _________, 2013, why the Court should not enter the Order set forth in Exhibit A in MDL Nos. 2187, 2325, 2326, 2327, and 2387.

It is further ORDERED that a copy of this Order, together with the papers upon which it is granted, shall be electronically filed and served concurrently with entry of this Order and that such filing and service shall be deemed good and sufficient.

IT IS SO ORDERED.

ENTER: April ___, 2013

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

____

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # _____
(*AGREED* ORDER RE: DISMISSAL OF COLOPLAST A/S, COLOPLAST MANUFACTURING US, LLC, AND PORGES S.A. IN ALL CASES)

Upon request and with the agreement of the Defendants, Coloplast Corp., Coloplast A/S, Coloplast Manufacturing US, LLC, Porges S.A., and Mentor Worldwide LLC, and Co-Lead Plaintiffs' Counsel in MDL No. 2387, Co-Coordinating Co-Lead counsel for Plaintiffs and the Plaintiffs' Executive Committee, **IT IS ORDERED** as follows:

1. As to cases pending as of the entry of this Order against Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A.[1] in MDL Nos. 2187, 2325, 2326, 2327 and 2387, whether filed directly or transferred, all claims pending against Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. (as defined above and in Exhibit 1) will be dismissed without prejudice. The Clerk is instructed to terminate Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. (as defined above and in Exhibit 1) in each pending member case in which such entities are named.

[1] Parties in this and the other MDLs have named Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. in variations other than those named above. Exhibit 1 contains the current list of variations for Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A., which parties the Court considers as Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. Reference in this Order to "Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A." includes the entities listed in Exhibit 1. To the extent new parties are named after the entry of this Order that may be considered to be either Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A., the Court will amend Exhibit 1.

2. Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. are **DISMISSED** from the Master Complaint in MDL No. 2387 without prejudice.

3. As to cases directly filed in the Southern District after the entry of this order, the Short Form and Amended Short Form Complaints will be amended to remove Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. and effective immediately, Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. shall not be named by the Short Form or Amended Short Form Complaint.

4. As to cases transferred by the Judicial Panel on Multidistrict Litigation after the entry of this order, Co-Lead Counsel for Coloplast Corp. will make every effort to work with Counsel for the Plaintiff(s) to dismiss Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. from each case. If these efforts are unsuccessful, Co-Lead Counsel for Coloplast Corp. will notify the Court to enter a show cause order.

5. All service attempts heretofore directed to Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. are hereby withdrawn, and Plaintiffs will not make further attempts to serve process on Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. Plaintiffs' Co-Lead Counsel for MDL No. 2387 will ensure that the obligations created by this order, including those expressly stated in paragraph 5 herein, will be observed by all other Plaintiffs' Counsel of record, as well as Plaintiffs' Counsel of record in future cases filed in MDL Nos. 2187, 2325, 2326, 2327 and 2387.

6. If Plaintiffs seek to add either Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. prior to trial, Defendants Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. will not object on the basis of timeliness or the statute of limitations unless the same statute of limitations defense is available for the existing Defendants to the case.

7. In connection with Plaintiffs' future discovery requests, if any, Co-Lead Counsel for Coloplast Corp. agrees to work with Plaintiffs' Co-Lead Counsel for MDL No. 2387 to develop an acceptable protocol for collection and production of responsive, non-privileged documents and information in the possession or control of Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. will not object to the collection and production of those documents based upon the fact that they are no longer parties to this proceeding, and likewise agree to preserve documents as if they were parties to this proceeding pending further order of this Court.

8. Co-Lead Counsel for Coloplast Corp. agrees to work with Plaintiffs' Co-Lead Counsel for MDL No. 2387 to develop an acceptable protocol for providing access to any witness in the employ or control of Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A., or who will be represented or given advice by counsel retained by Coloplast Corp.

9. In the event of entry of any final judgment from which no appeal can be or has been taken awarding damages against Coloplast Corp., if necessary, Coloplast A/S shall satisfy the judgment as if Coloplast A/S were itself a party to such action without the need for the commencement of any enforcement proceedings, and this Court shall have the right to enter a final judgment against Coloplast A/S in the event of a failure on the part of Coloplast Corp. to satisfy said judgment within thirty (30) days from the time the judgment becomes final.

10. Nothing herein shall be construed as an admission that Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. are proper parties to any lawsuit, that Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. have ever or will ever assume(d) any of Coloplast Corp.'s liability, that Coloplast A/S, Coloplast Manufacturing US, LLC, or Porges S.A. stand in the shoes of Coloplast Corp.'s insurers, or that discovery relating to Coloplast A/S,

Coloplast Manufacturing US, LLC, or Porges S.A. is appropriate, relevant, or admissible in any lawsuit. Nothing in this paragraph shall be construed to alter or change any of the obligations created by this order in paragraphs 1-14 herein.

11. Counsel of record for Plaintiffs in these proceedings and Counsel of record for Coloplast Corp. shall execute this type of agreement with respect to any state court actions raising similar claims, to the extent that counsel for Plaintiffs are also of record in such state court proceedings.

12. The Parties reserve any and all objections not otherwise expressly limited by this order.

13. Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. are subject to, and expressly consent to, the personal jurisdiction of this Court solely for the entry and enforcement of this order. By expressly consenting to personal jurisdiction solely for purposes of the entry and enforcement of this order, Coloplast A/S and Porges S.A. do not otherwise waive and expressly reserve any defenses that they are not subject to the Court's *in personam* jurisdiction and Plaintiffs will not contend to the contrary.

14. Any cases filed in MDL Nos. 2187, 2325, 2326, 2327, or 2387 subsequent to the date of this order shall be subject to this order.

IT IS SO ORDERED.

ENTER: April ___, 2013

[Judge Goodwin's signature]

Agreed to by:

[Add parties' electronic signatures: Co-Lead Counsel for Coloplast Corp. and Coloplast Manufacturing US, LLC, Counsel for Mentor Worldwide LLC, Co-Lead Plaintiffs' Counsel in MDL No. 2387, Co-Coordinating Co-Lead Counsel for Plaintiffs and the Plaintiffs' Executive Committee]

Exhibit 1

Variations of Coloplast A/S

None

Variations of Coloplast Manufacturing US, LLC

Coloplast Manufacturing U.S., L.L.C.
Coloplast Manufacturing U.S., LLC
Coloplast Manufacturing, LLC
Coloplast Manufacturing US, LCC
Coloplast Manufacturing, US LLC
Coloplast Manufacturing, US, L.L.C.
Coloplast Manufacturing, US, LLC

Variations of Porges S.A.

Porges
Porges S. A.